

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH.

F.A.O.No. 1175 of 1988.

Date of Decision: September 20, 2006.

1. Bed Wanti wife of Moji Ram alias Manju Ram;
- 1-A. Moji Ram alias Manju Ram son of Bhuru, residents of Asaudah Tehsil Bahadurgarh District Rohtak.
2. Krishna Devi; 3. Darshna Devi 4. Kapur Singh, 5. Varendra Singh 6. Sunil Devi 7. Sushila (Nos. 2 to 7- sons and daughters of Moji Ram alias Manju Ram, resident of Village Asaudah Tehsil Bahadurgarh District Rohtak; through their mother Smt. Bed Wanti natural guardian as next friend).

Versus.

1. Ram Pal son of Hari Singh, Jat resident of Fatehgarh Police Station Charkhi Dadri District Bhiwani (Driver of Bus No. HYB-4708, Bhiwani Depot of Haryana, Roadways.
2. State of Haryana through General Manager, Haryana Roadways, Bhiwani Depot, Bhiwani.

CORAM: Hon'ble Mr.Justice R.S.Madan.

Present: Shri S.C.Kapoor, Advocate, for the appellants.

Shri S.S.Goripuria, Deputy Advocate General,
Haryana.

R.S.Madan, J

1. The present F.A.O. No.1175 of 1988, having arisen out of the award dated 5.10.1988 passed by the Motor Accident Claims Tribunal, Rohtak, the claimants i.e. L.R's of the deceased except father, were awarded a compensation of Rs.48.000/- along with interest at the rate of 12% per annum from the date of filing of the petition till the realization of the same, on account of death of Narinder Kumar.

2. In Claim Petition bearing No. 16 of 1988, the Motor Accident Claims Tribunal, Rohtak, after considering the evidence brought on the record returned the finding on issue No.1 in favour of the claimants holding respondent No.1 driver of Bus No. HYB-4708, responsible for causing the accident in which Narinder Kumar suffered death at the age of 22 years, as is evident from the post mortem report.

3. For the grant of compensation to the claimants, the Tribunal assessed the income of the deceased at Rs.500/- per month and after deducting the expenses of the deceased as Rs.250/-, hold the dependency of the claimants to the tune of Rs.250/- per month. Keeping in view the circumstances, the Tribunal adopted the multiplier of 16 and awarded a compensation of $\text{Rs.}250 \times 12 = 3000 \times 16 = 48,000/-$ (Rs.Forty-eight thousands) to the claimants along with interest at the rate of 12% per annum from the date of filing of the claim petition till the realization of the same.

4. This appeal has been filed for the enhancement of the compensation by the legal representatives of the deceased.

5. Taking into consideration the circumstances appearing in this appeal that the deceased Narinder Kumar, labourer has left behind him a large number of family members, who were dependents upon his income, the learned Tribunal assessed the dependency of the legal heirs of the deceased as Rs.250/- per month, which appears to be inadequate and after the dependency of the claimant is thus assessed as Rs.350/- per month. After applying the multiplier of 16, the amount of compensation comes to $\text{Rs.}350 \times 12 = 4200 \times 16 = 67200/-$. Hence, the amount of compensation comes to Rs.67200/- which is rounded off as Rs.68,000/-. Accordingly the award amount granted by the Tribunal is enhanced from Rs. 48,000/- to Rs. 68,000/-, to which the appellants are entitled to get from respondents No. 1 and 2, jointly and severally.

5. The respondents are directed to pay the enhanced amount of compensation excluding the amount, if already paid, within a period of three months from the date of enhanced award passed by this Court, failing which the respondents shall be liable to pay interest at the rate of 6 per cent per annum, from the date of award of this Court till the realization of the same. No order as to costs.

(R.S.Madan)
Judge

September 20, 2006.
Malik